

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DARRYL L. BATISTE,

Plaintiff,

-against-

22 CIVIL 9772 (GHW)

JUDGMENT

THE CITY OF NEW YORK,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated February 2, 2023, and by order dated November 23, 2022, the Court directed Plaintiff to file an amended complaint within 45 days. Dkt. No. 3. That order specified that failure to comply would result in dismissal of the complaint. By order dated January 10, 2023, the Court granted Plaintiff's request for an extension of time and directed him to file an amended complaint by January 24, 2023. Dkt. No. 5. Plaintiff has not filed an amended complaint. The Court dismisses the complaint for failure to state a claim on which relief may be granted. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from the order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue); accordingly, the case is closed.

Dated: New York, New York

February 2, 2023

RUBY J. KRAJICK

Clerk of Court

BY:

K. Mango

Deputy Clerk